

**These charges are only allegations which
may be contested by the licensee in an
Administrative hearing.**



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

CERTIFIED MAIL # 7017 0660 0001 1241 7517

June 15, 2017

Muneer Imam, M.D.
2 Union Avenue
Center Moriches, NY 11934

RE: VIOLATION OF PROBATION
Order BPMC # 16-113

Dear Dr. Imam:

After an investigation pursuant to N.Y. Public Health Law Section 230(19) I have determined, in my capacity as Director of the Office of Professional Medical Conduct (OPMC) of the New York State Department of Health, that you, Probationer, have violated the terms of probation imposed upon you by Order BPMC # 16-113, effective April 12, 2016. (A copy of Order BPMC # 16-113 is attached and marked as "Appendix A.") This letter initiates a violation of probation proceeding against you pursuant to N.Y. Public Health Law Section 230(19).

My determination that you have committed each of the specified probation violations is based on one or more of the facts enumerated in "Appendix B" and as cited below in each Specification of Probation Violation. You may dispute or admit each enumerated fact by placing your signature or initials next to it, in the appropriate space.

Please take notice that if you do not dispute the facts forming the basis of my determination of probation violation within 20 calendar days of the date of this letter, I shall submit this matter, and the undisputed facts set forth directly to a committee on professional conduct for its review and determination.

SPECIFICATIONS OF PROBATION VIOLATION

FIRST THROUGH TENTH SPECIFICATIONS

Probationer is charged with violating probation by practicing medicine without an approved practice monitor in violation of probation as set forth in:

1. Paragraphs 1, 1.a., 1.a.i., 2., and 2.a.
2. Paragraphs 1, 1.a., 1.a.i., 2., and 2.b.

3. Paragraphs 1, 1.a., 1.a.i., 2., and 2.c.
4. Paragraphs 1, 1.a., 1.a.i., 2., and 2.d.
5. Paragraphs 1, 1.a., 1.a.i., 2., and 2.e.
6. Paragraphs 1, 1.a., 1.a.i., 2., and 2.f.
7. Paragraphs 1, 1.a., 1.a.i., 2., and 2.g.
8. Paragraphs 1, 1.a., 1.a.i., 2., and 2.h.
9. Paragraphs 1, 1.a., 1.a.i., 2., and 2.i.
10. Paragraphs 1, 1.a., 1.a.i., 2., and 2.j.

ELEVENTH THROUGH TWENTIETH SPECIFICATIONS

Probationer is charged with violating probation by practicing medicine without required malpractice coverage as set forth in:

11. Paragraphs 1, 1.b., 1.b.i., 2., and 2.a.
12. Paragraphs 1, 1.b., 1.b.i., 2., and 2.b.
13. Paragraphs 1, 1.b., 1.b.i., 2., and 2.c.
14. Paragraphs 1, 1.b., 1.b.i., 2., and 2.d.
15. Paragraphs 1, 1.b., 1.b.i., 2., and 2.e.
16. Paragraphs 1, 1.b., 1.b.i., 2., and 2.f.
17. Paragraphs 1, 1.b., 1.b.i., 2., and 2.g.
18. Paragraphs 1, 1.b., 1.b.i., 2., and 2.h.
19. Paragraphs 1, 1.b., 1.b.i., 2., and 2.i.
20. Paragraphs 1, 1.b., 1.b.i., 2., and 2.j.

Please be advised that you have a right to a hearing to contest my determination that you have violated your probation, and you have the right to be represented by counsel. If you elect to dispute the facts forming the basis of my determination, you must return the fully executed Appendix B setting forth the facts you specifically deny, as well as those you admit, within 20 calendar days of the date of this letter, to: Keith W. Servis, Director, Office of Professional Medical Conduct, Riverview Center, 150 Broadway Suite 355, Albany, NY 12204-2719. You shall be afforded a hearing before a committee on professional conduct, which will hear the matter and make findings of fact, conclusions of law and a determination. A stenographic record will be made of the hearing. The committee, after providing you with an opportunity to be heard, shall determine whether you have violated probation and shall impose an appropriate penalty, from among those set forth in N.Y. Public Health Law Section 230-a; these include: a Censure and Reprimand, Suspension of License, Limitation of License, Revocation of License, a Fine, a Course of Education or Training, and/or Public Service. In determining the appropriate

penalty, the committee shall consider both the violation of probation and the prior adjudication of misconduct against you. The chairperson of the committee shall issue an order adopting the decision of the committee on professional conduct. The order may be reviewed by the Administrative Review Board for Professional Medical Conduct.

Please be on notice that, should you not dispute the facts forming the basis of my determination within 20 calendar days of the date of this letter, or if my determination that you have violated your probation is sustained by a committee on professional conduct after a hearing, the Board may, among other things, revoke or suspend your license, issue a Censure and Reprimand, impose probation, and order payment of a substantial fine. Given the seriousness of these proceedings, I urge you to consult an attorney immediately.

Very truly yours,



Keith W. Servis
Director
Office of Professional Medical Conduct

cc: Scott C. Watson, Esq.
Keller, O'Reilly & Watson, P.C.
242 Crossways Park West
Woodbury, NY 11797
(516) 496-1919
SWatson@kowlaw.com

APPENDIX A



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

April 5, 2016

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Muneer Imam, M.D.
2 Union Avenue
Center Moriches, New York 11934

Re: License No. 159557

Dear Dr. Imam:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 16-113. This order and any penalty provided therein goes into effect April 12, 2016.

Please direct any questions to: Board for Professional Medical Conduct, 90 Church Street, 4th Floor, New York, NY 10007-2919, telephone # 212-417-4445.

Sincerely,

A black rectangular redaction box covering the signature of Katherine A. Hawkins.

Katherine A. Hawkins, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Anthony Z. Scher, Esq.
800 Westchester Avenue, Suite N641
Rye Brook, New York 10573

IN THE MATTER
OF
MUNEER IMAM, M.D.

CONSENT
ORDER

Upon the application of MUNEER IMAM, M.D., in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted
and it is further


ORDERED, that this Consent Order shall be effective upon issuance by the Board,
either

by mailing of a copy of this Consent Order, either by first class mail to Respondent at
the address in the attached Consent Agreement or by certified mail to Respondent's
attorney, OR

upon facsimile or email transmission to Respondent or Respondent's attorney,
whichever is first.

SO ORDERED.

DATE: 4/5/2016


Arthur S. Hengerer, M.D.
Chair
State Board for Professional Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
MUNEER IMAM, M.D.

CONSENT
AGREEMENT

MUNEER IMAM, M.D., represents that all of the following statements are true:

That on or about July 30, 1984 I was licensed to practice as a physician in the State of New York, and issued License No. 159557 by the New York State Education Department.

My current address is 2 UNION AVE. CENTER MORICHES, NY
11934, and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with one or more specifications of professional misconduct, as set forth in a Statement of Charges, marked as Exhibit "A", attached to and part of this Consent Agreement.

I assert that I cannot successfully defend against at least one of the acts of misconduct alleged, in full satisfaction of the charges against me, and agree to the following penalty:

- Pursuant to Pub. Health Law Sec.230-a (2) my license to practice medicine in New York shall be suspended for 36 months, with the entire period of suspension to be stayed.
- Pursuant to NY Pub. Health Law Sec. 230-a(9) I shall be placed on probation for a period of 36 months subject to the terms set forth in attached Exhibit "B"

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall comply with each and every penalty imposed by this Order pursuant to N.Y. Pub. Health Law § 230-a.

That Respondent shall remain in continuous compliance with all requirements of N.Y. Educ Law § 6502 including but not limited to the requirements that a licensee shall register and continue to be registered with the New York State Education Department (except during periods of actual suspension) and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in N.Y. Educ. Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 120 days after the Consent Order's effective date and will continue so long as Respondent remains a licensee in New York State; and

That Respondent shall remain in continuous compliance with all requirements of N.Y. Pub. Health Law § 2995-a(4) and 10 NYCRR 1000.5, including but not limited to the requirements that a licensee shall: report to

the department all information required by the Department to develop a public physician profile for the licensee; continue to notify the department of any change in profile information within 30 days of any change (or in the case of optional information, within 365 days of such change); and, in addition to such periodic reports and notification of any changes, update his or her profile information within six months prior to the expiration date of the licensee's registration period. Licensee shall submit changes to his or her physician profile information either electronically using the department's secure web site or on forms prescribed by the department, and licensee shall attest to the truthfulness, completeness and correctness of any changes licensee submits to the department. This condition shall take effect 30 days after the Order's effective date and shall continue so long as Respondent remains a licensee in New York State. Respondent's failure to comply with this condition, if proven and found at a hearing pursuant to N.Y. Pub. Health Law § 230, shall constitute professional misconduct as defined in N.Y. Educ. Law § 6530(21) and N.Y. Educ. Law § 6530(29). Potential penalties for failure to comply with this condition may include all penalties for professional misconduct set forth in N.Y. Pub. Health Law §230-a, including but not limited to: revocation or suspension of license, Censure and Reprimand, probation, public service and/or fines of up to \$10,000 per specification of misconduct found; and

That Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204-2719, with the following information, in writing, and ensure that this information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. Respondent shall notify OPMC, in writing, within 30 days of any additions to or changes in the required information. This condition shall take effect 30 days after the Order's effective date and shall continue at all times until Respondent receives written notification from the Office of Professional Medical Conduct, Physician Monitoring Program, that OPMC has determined that Respondent has fully complied with and satisfied the requirements of the Order, regardless of tolling; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Consent Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Consent Order. Respondent shall meet with a person designated by the Director of OPMC,

as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Consent Order shall constitute misconduct as defined by N.Y. Educ. Law § 6530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the N.Y. Pub. Health Law.


I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first.

The Consent Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website. OPMC shall report this action to the National Practitioner Data Bank and the Federation of State Medical Boards, and any other entities that the Director of OPMC shall deem appropriate.

I stipulate that the proposed sanction and Consent Order are authorized by N.Y. Pub. Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director of OPMC and the Chair of the Board each retain complete discretion either to enter into the proposed agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

DATE 3/28/2016



MUNEER IMAM, M.D.
Respondent

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 4/1/2016


ANTHONY SCHER, ESQ.
Attorney for Respondent

DATE: 4/4/2016


JEAN BRESLER
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 4/4/16



KEITH W. SERVIS
Director
Office of Professional Medical Conduct

EXHIBIT "A"

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER

OF

MUNEER IMAM, M.D.

STATEMENT

OF

CHARGES

MUNEER IMAM, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 30, 1984, by the issuance of license number 159557 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. Between in or about 2006 and 2013 Respondent failed render or note appropriate care and or treatment to patients identified in Appendix A and failed to render or note appropriate evaluation of patients for whom he prescribed controlled substances.

SPECIFICATION OF CHARGESFIRST SPECIFICATIONNEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law Sec. 6530(3) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of

1. Paragraph A.

FAILURE TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(32) by failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, as alleged in the facts of:

2. Paragraph A.

APR 14
DATE: March , 2016
New York, New York


Róy Hernández, Deputy Counsel
Bureau of Professional Medical Conduct

EXHIBIT "B"

Terms of Probation

- 1) Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by N.Y. Educ. Law §§ 6530 or 6531 shall constitute a violation of probation and may subject Respondent to an action pursuant to N.Y. Pub. Health Law § 230(19).
- 2) Respondent shall cooperate fully with, and respond in a timely manner to, OPMC requests to provide written periodic verification of Respondent's compliance with the terms of this Consent Order. Upon the Director of OPMC's request, Respondent shall meet in person with the Director's designee.
- 3) Respondent's failure to pay any monetary penalty by the prescribed date shall subject Respondent to all provisions of law relating to debt collection by New York State, including but not limited to: the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law § 171(27); State Finance Law § 18; CPLR § 5001; Executive Law § 32].
- 4) The probation period shall toll when Respondent is not engaged in active medical practice in New York State for a period of 30 consecutive days or more. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive 30 day period. Respondent shall then notify the Director again at least 14 days before returning to active practice. Upon Respondent's return to active practice in New York State, the probation period shall resume and Respondent shall fulfill any unfulfilled probation terms and such additional requirements as the Director may impose as reasonably relate to the matters set forth in Exhibit "A" or as are necessary to protect the public health.
- 5) The Director of OPMC may review Respondent's professional performance. This review may include but shall not be limited to: a review of office records, patient records, hospital charts, and/or electronic records; and interviews with or periodic visits with Respondent and staff at practice locations or OPMC offices.
- 6) Respondent shall adhere to federal and state guidelines and professional standards of care with respect to infection control practices. Respondent shall ensure education, training and oversight of all office personnel involved in medical care, with respect to these practices.

- 7) Respondent shall maintain complete and legible medical records that accurately reflect the evaluation and treatment of patients and contain all information required by State rules and regulations concerning controlled substances.
- 8) Within thirty days of the Consent Order's effective date, Respondent shall practice medicine only when monitored by a licensed physician, board certified in an appropriate specialty, ("practice monitor") proposed by Respondent and subject to the written approval of the Director of OPMC. Any medical practice in violation of this term shall constitute the unauthorized practice of medicine.
 - a) Respondent shall make available to the monitor any and all records or access to the practice requested by the monitor, including on-site observation. The practice monitor shall visit Respondent's medical practice at each and every location, on a random unannounced basis at least monthly and shall examine a selection (no fewer than 20) of records maintained by Respondent, including patient records, prescribing information and office records. The review will determine whether the Respondent's medical practice is conducted in accordance with the generally accepted standards of professional medical care. Any perceived deviation of accepted standards of medical care or refusal to cooperate with the monitor shall be reported within 24 hours to OPMC.
 - b) Respondent shall be solely responsible for all expenses associated with monitoring, including fees, if any, to the monitoring physician.
 - c) Respondent shall cause the practice monitor to report quarterly, in writing, to the Director of OPMC.
 - d) Respondent shall maintain medical malpractice insurance coverage with limits no less than \$2 million per occurrence and \$6 million per policy year, in accordance with Section 230(18)(b) of the Public Health Law. Proof of coverage shall be submitted to the Director of OPMC prior to Respondent's practice after the effective date of this Order.
- 9) Respondent shall enroll in and successfully complete a continuing education program in an area or areas as directed by OPMC. This continuing education program is subject to the Director of OPMC's prior written approval and shall be successfully completed within the first 90 days of the probation period.
- 10) Respondent shall comply with this Consent Order and all its terms, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with, or a violation of, these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding, and/or any other such proceeding authorized by law, against Respondent.

APPENDIX B

FACTS

1. Effective May 12, 2016, pursuant to Order BPMC # 16-113, Probationer was not permitted to practice medicine except in compliance with Paragraph 8, and its subparagraphs, of Exhibit B of Appendix A.

Admit_____ Deny_____ Licensee's initials

- a. Paragraph 8 requires Probationer to practice only when monitored by a licensed physician, board certified in an appropriate specialty, proposed by Respondent and subject to the written approval of the Director of OPMC.

Admit_____ Deny_____ Licensee's initials

- i. Probationer did not receive such written approval any earlier than March 2017 and was not monitored until then.

Admit_____ Deny_____ Licensee's initials

- b. Paragraph 8(d) required Probationer to maintain medical malpractice insurance coverage with limits no less than \$2 million per occurrence and \$6 million per policy year, in accordance with Section 230(18)(b) of the Public Health Law. That paragraph also required that proof of coverage be submitted to the Director of OPMC prior to the Probationer's practice after the effective date of Appendix A.

Admit_____ Deny_____ Licensee's initials

- i. Probationer did not maintain such coverage at any time prior to April 2017.

Admit_____ Deny_____ Licensee's initials

2. During the period May 12, 2016, through January 31, 2017, as more specifically set forth in the attached Controlled Substance Prescribing Detail, Probationer engaged in the practice of medicine in the State of New York on no fewer than:

- a. 125 occasions in May 2016;

Admit_____ Deny_____ Licensee's initials

- b. 195 occasions in June 2016;
Admit_____ Deny_____ Licensee's initials
- c. 195 occasions in July 2016;
Admit_____ Deny_____ Licensee's initials
- d. 195 occasions in August 2016;
Admit_____ Deny_____ Licensee's initials
- e. 185 occasions in September 2016;
Admit_____ Deny_____ Licensee's initials
- f. 280 occasions in October 2016;
Admit_____ Deny_____ Licensee's initials
- g. 255 occasions in November 2016;
Admit_____ Deny_____ Licensee's initials
- h. 210 occasions in December 2016;
Admit_____ Deny_____ Licensee's initials
- i. 135 occasions in January 2017.
Admit_____ Deny_____ Licensee's initials

CONTROLLED SUBSTANCE PRESCRIBING DETAIL

MUNEER IMAM, M.D.